

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JG4029

(Inmate Number)

William Rock

(Name of Plaintiff)

PO Box 1000

(Address of Plaintiff)

Houtzdale PA 16698-1000

vs.

Donna Asure, Dr. Jane Doe
Grace Ramos-Huertas
Nurse Jane Doe Et.al.,

(Names of Defendants)

Civil NO: 1:11-CV-01839
(Case Number)

Amended
COMPLAINT
Adding Defendants

FILED
SCRANTON

OCT 22 2012

PER M. S. Y.
DEPUTY CLERK

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS
☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?

☒ Yes ☐ No

- B. Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If your answer is no, explain why not

- C. Is the grievance process completed? ☒ Yes ☐ No

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant DONNA ASURE is employed as WARDEN at MONROE COUNTY CORRECTIONAL FACILITY (mcc)
Deborah Wilson
- B. Additional defendants DR JANE DOE, Doctor AT (M.C.C.F.)
Grace Ramos-Hueztas
Nurse Jane Doe, Nurse AT (M.C.C.F.), Paul James, Dr. P. Reiss

Dec Reiss, medical staff, MCCF, Gary McFarland Deputy Warden, MCCF, Richard Cuth

Griwance coordinator MCCF, Suzanne McCool, Theresa Merli, Todd Martin

E. David Christine, Maile Mehriqe, MCCF Prison Board, Monroe County.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. ON September 29th 2009 I WAS SENTENCED TO SERVE 5½ TO 12 YRS. ON October 11th 2009. WHILE IN THE CUSTODY OF (M.C.C.F) I Fell AND ruptured my left thumb w/NA Collateral Ligament, I WAS THEN TAKEN ON Oct 11th 09 TO
2. POCONO MEDICAL CENTER Emergency Room WHERE I WAS TOLD BY DR. LIEGNER THAT I MUST SEE A SPECIALIST WITHIN 5 DAYS FOR TREATMENT OF MY INJURY. UPON RETURN TO (M.C.C.F) ON Oct 9 09 I SPOKE TO Nurse Jane Doe (WHO WAS ACTING UNDER THE COLOR
3. OF STATE LAW) AND TOLD HER I WAS IN SEVERE PAIN & THAT THE ER DOCTOR SAID I NEEDED TO SEE A SPECIALIST WITHIN 5 DAYS. ON OR ABOUT October 12th 2009 I SPOKE WITH DR JANE DOE (WHO WAS ACTING UNDER THE COLOR OF STATE LAW) AND EXPLAINED I WAS STILL IN SEVERE PAIN AND WAS

Told by the ER Doctor that I needed to see a specialist within 5 days of injury. On or about October 14th 2009 I seen Dr Jane Doe again, And was told I would be seen by a specialist. On October 16th I was taken off Tylenol 3 even though I was still in severe pain. On November, 2nd 2009 After 22 days of severe pain and not seeing a specialist as directed, I filed a grievance notifying Donna Asure who was acting under the color of state law that I was not being taken to a specialist as directed by the Emergency Room. On November 6th The Defendant allowed me to be transferred to another facility while knowing I was still in need of emergency treatment.

On June 15th 2010 After approx 8 months of severe pain I seen Dr. Hughes, a specialist, and he told me that since I was not treated when the injury first occurred that he has to remove the main tendon from my wrist to elbow to repair my thumb. AND I finally received an operation on August 9, 2010

Defendants Donna Asure, Dr. Jane Doe ^{Deborah Wilson} and Nurse ^{Grace Ramos Huertas} ~~Jane Doe~~ deliberate indifference to my serious medical needs violated my rights and constituted cruel and unusual punishment under the Eighth Amendment of The United States Constitution.

After the filing of original/amended complaint Plaintiff recieved a copy of dis-charge papers from E.R. (since he was not entitled to recieve them upon discharge) and found out the perscription given stated he was to recieve 1-2 tabs,tylenol #3 every four hours as needed,that appointment to see a specialist was to be made wiyhin 24 hours of injury,that appointment was to be within 5 days of injury and if ther was any problems following directions Plaintiff should be taken back to E.R.(see declaration of William Rock Exhibit B)(Dec'l,Wm Rock,Ex.)

Dr.Wilson was aware of perscription and that Plaintiff was in severe pain but only permitted him to recieve under half of his perscription leaving him to suffer.

Also through the discovery process Plaintiff recieved the supposed response to grievance filed on November 2,2009.He recieved supposed response on June 13,2012(over two and a half years after it was filed)(Plaintiff sent a letter to Asure pertaining to said response to no avail(Dec'l,Wm.Roch Ex.F).And discovered that Richard Cuth,grievance coordinator and Gary McFarland,deputy warden(both of whom were employed at M.C.C.F. and were acting under the color of state law) investigated said grievance 2 days after they recieved it and since they "investigated"they knew or should have known that Plaintiffs injury was serious and that he was being denied ordered treatment and knowingly allowed his treatment to be delayed even longer.Both Cuth and McFarland held positions to correct the problem but did not.And when they discovered the Plaintiff was being transferred they did nothing.both of which left the Plaintiff to suffer in extreme pain and lost a body part,which shows dliberate

indifference and is a valid 8th amendment (medical care) claim.

Also through the discovery process and a subpoena, Plaintiff discovered the names of Dee Reiss and Paul James (Dec'1, Wm. Rock Ex. L). Dee Reiss (was employed by Prime Care at M.C.C.F and was acting under the color of state law) Was responsible for following orders/ instructions given by the E.R. and make appointment within 24 hours of plaintiffs injury, have appointment within 5 days of injury which she did not. She was aware of Plaintiffs serious medical needs but chose to wait 12 days to make the appointment when instructions clearly stated that if there was any problem making appointment within 24 hours or having plaintiff seen within 5 days as instructed to have Plaintiff taken back to the E.R. which she also did not do. Reiss did cancel appointment for November 4, 2009 on October 29, 2009 due to an emergency (Dec'1, Wm. Rock Ex. C) which was 6 days before the so called emergency occurred. Reiss knowingly/intentionally disregarded orders instructions and was aware of Plaintiffs serious medical needs. Reiss's deliberate indifference to Plaintiffs serious medical needs resulted in Plaintiff left to suffer in extreme Pain and loss of body part and is a valid 8th amendment (medical care) claim.

Paul James (who was employed by prime care at M.C.C.F. was acting under the color of state law) was responsible for reviewing Plaintiffs medical records and relay information as to his medical condition (as per Policy #MCCF-D-05) to receiving facility. Since James reviewed Plaintiffs medical records He knew or should have known of Plaintiffs serious medical condition and his dire need of ordered treatment and intentionally did not relay any information as to Plaintiffs injury, orders or treatment (Dec'1, Wm. Rock Ex. H)

intentionally delaying Plaintiffs ordered treatment even longer resulting in Plaintiff suffering in severe pain and loss of body part. James deliberate indifference to Plaintiff serious medical needs is a valid 8th amendment (medical care) Claim.

M.C.C.F. Prison Board members policy gives 5 business days to respond to grievances which in my case resulted in deliberate indifference since if Plaintiffs grievance would have been reviewed investigated the day it was received this situation would have been avoided. and they have no policy as to transferring a person in need of treatment which also resulted in deliberate indifference since the injury happened while in their custody and should be treated while in their custody and since it wasn't it was intentionally delayed.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Allow me to seek Compensatory and Punitive Damages from the Defendants (in their individual capacity) for Violation of the 8th Amendment AND loss of Body part / Full use of hand.
2. Help me get The Name of the Doctor and Nurse and medical records from Monroe County Correctional Facility
3. Appoint An Attorney to represent me since I am unable to afford one NOR do I know How to present my case or the rules to do so.

Signed this 16 day of October, 2012.

L A Rock
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

10-16-12
(Date)

L A Rock
(Signature of Plaintiff)

0

CERTIFICATE OF SERVICE

I, William Rock, *pro se*, hereby certify that I have on this day served a true and correct copy of the foregoing pleading upon the persons named below. This service was effectuated by First Class U.S. mail, delivered to prison officials at SCI Houtzdale for proper postage and mailing: Prisoners Mailbox Rule Invoked on said Pleading

Mary E. D'Andrea
Clerk of Courts
235 North Washington Ave.
P.O. Box 1148
Scranton Pa. 18501-5650

One (1) Original
and Two (2) copies

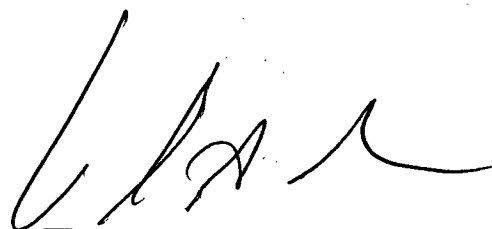
Gerard J. Geiger/Robert Kidwell
712 Monroe St.
P.O. Box 511
Stroudsburg, Pa.
18360-0511

One (1) Copy

John R. Ninosky
301 Market St.
P.O. Box 109
Lemoyne Pa. 17043

One (1) Copy

October 16, 2012
Date



William Rock
JG-4029
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale Pa.
16698-1000

William Reck
JG4B29
PO Box 1000
Houtzdale PA

16698-1000

RECEIVED
SCANTON

OCT 22 2012

MARY E. D'ANDREA / CLERK
FBI
DEPT. OF JUSTICE

Mary E D'Andrea
235 North Washington Ave
PO Box 1148
Scanton

Pa

18501-5650